FILE COPY.

Office Supreme Court U. S.
FILED
JAN 29 1906
JAMES H. MCKENNEY,
Clerk.

Supreme Court of the United States.

NO. 77.

JAMES B. HOWARD, ... Plaintiff in Error,

versus

THE COMMONWEALTH OF KENTUCKY, . Defendant in Error.

Objections of the Commonwealth of Kentucky to motion of Plaintiffs in Error to suspend the issuance of mandate.

Geo. A. Lewis Publishing House Print, Frankfort, Ky.

Supreme Court of the United States

JAMES B. HOWARD, Plaintiff in Error,

vs. No. 77.

COMMONWEALTH OF KENTUCKY, Defendant in Error.

The Commonwealth of Kentucky objects to the motion to suspend the issuance of the mandate herein.

REASONS.

Hon. William Goebel was assassinated on January 30th, 1900. The Plaintiff in Error, James B. Howard, was indicted as the principal for said murder on April 17th, 1900; he has been tried and convicted by three separate juries for said offense, two of which convictions were reversed on technical grounds by the Supreme Court of the State, and the third and last conviction was by said Court affirmed. He prosecuted an appeal by writ of error to this Honorable Court, which was affirmed on January 2d, 1906.

More than six years have elapsed since the assassination of Governor Goebel, due largely to the efforts of the Plaintiff in Error to defeat and delay the penalty of the law.

As the representative of the Commonwealth, we feel that many of the crimes in the Commonwealth

are due to the law's delay, and that its dignity and majesty consist in its uniform application and enforcement.

Wherefore, the Commonwealth objects to said motion, and asks that same be overruled and the mandate of this Court be issued as provided by law.

N. B. HAYS, Att'y. Gen'l.
For Commonwealth of Kentucky.